

ORDINANCE NO. 14742

FILE OF CITY COUNCIL

BILL NO. 71 - 2009

Introduced by Councilpersons D'Amore and Donovan

September 16, 2009

AN ORDINANCE

Amending Article 532, Limitations on the Parking of Trucks and Trailers by providing for the loading and unloading of Recreational Vehicles and Truck Campers.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALLENTOWN:

SECTION ONE: That Article 143.02, Association Membership; Appointment and Term, be amended to read as follows:

| Article 532 | |
|---|---|
| LIMITATIONS ON THE PARKING OF TRUCKS AND TRAILERS | |
| 532.01 | Purpose |
| 532.02 | Definitions |
| 532.03 | Prohibitions |
| 532.04 | Exceptions |
| 532.05 | Permit for Loading or Unloading Recreational Vehicles or Truck Campers |
| 532.99 | Penalty |

14500 (6/25/07) added the BLI as a prohibited district.

14421 (9/15/06) establishes limits on large vehicles that could parking in residential areas.

14468 (2/8/07) prohibited vehicles that have a Class V license or above and prohibits parking in any district other than industrial districts.

532.01 Purpose

Allentown City Council finds it necessary to regulate the parking of large vehicles and trailers to reduce public safety hazards and maintain the quality of residential neighborhoods, thereby preserving the value of property in those districts. The street grid in Allentown predates the manufacturing and licensing of large vehicles and trailers; over 90% of the streets are 36 feet wide, leaving 8 feet for parking and 10 feet for the flow of two lane traffic. Large vehicles and trailers create safety hazards by encroaching into the abutting lane and moving traffic across the center lane. Such parking and obstructions, besides being a public safety issue, impedes the free flow of traffic. Parked close to an intersection, such vehicles and trailers, negatively impact the distance for vehicles entering the street. Large vehicles and trailers parked in residential areas generate complaints from residential neighborhoods in regard to traffic impediments and safety hazards, as well as noise. (14421 §1 9/15/2006)

532.02 Definitions

Bus: A motor vehicle designed to transport 16 or more passengers, including the driver; or, a motor vehicle, other than a taxicab or limousine, designed to transport not more than 15 passengers, including the driver. The term does not include a vehicle used in a ridesharing arrangement, as defined in the Act of December 14, 1982 (P.L. 1211, No. 279), entitled, "An act providing for ridesharing arrangements and providing that certain laws shall be inapplicable to ridesharing arrangements, or a school bus.

Dual Wheel Motor Home: A motor vehicle designed or adapted for use as a mobile dwelling or office, except a motor vehicle equipped with a truck-camper.

Oversized Vehicle: A motor vehicle that has a Class 5 license or above, or any equivalent license or above, or with a Gross Vehicle Weight of over 11,000 pounds. (14468 2/8/07)

Owner: A person, other than a lien holder, having the property right in or title to a motor vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security.

Park or Parking: When permitted, means the temporary storing of a vehicle, whether occupied or not, off the roadway; and, when prohibited, means the halting of a vehicle, whether occupied or not, except momentarily for the purpose of and while actually engaged in loading or unloading property or passengers.

Recreational Trailer: A trailer designed or adopted and used exclusively for recreational purposes.

School Bus: A motor vehicle which is designed to carry 11 passengers or more including the driver and is used for the transportation of preprimary, primary or secondary school students to or from public, private or parochial schools or events related to such schools or school-related activities.

The term does not include a motor vehicle used to transport preprimary, primary or secondary school students to or from public, private or parochial schools or events related to such schools or school-related activities, which is designed to carry 11 to 15 passengers, including the driver, and which is registered in this Commonwealth as a bus prior to March 1, 1993; or, a motor vehicle which is designed to carry 11 to 15 passengers, including the driver, and which was titled to any public, private or parochial school on or before March 1, 1993, and which is registered to that public, private or parochial school in this Commonwealth as a bus prior to September 15, 1993.

Tractor Trailer: A motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

Trailer: Every vehicle, wagon or truck without motive power designed to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle.

Truck Camper: A structure designed, used or maintained primarily to be loaded or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office or commercial space. (14421 §1 9/15/2006)

532.03 Prohibitions

It shall be unlawful for any person to park, or allow to remain parked, on any street or parts of streets, the following vehicles: Buses, dual wheel motor homes, oversized vehicle, school buses, tractor trailers, trailers, truck campers within the districts listed below as defined and circumscribed in the City's Zoning Ordinance; and, on any street abutting such zone; and, that this prohibition shall apply to any designated district established in the Zoning Code except for I-2, Limited Industrial, and I-3, General Industrial Districts. (14500 §1 6/25/07; 14468 §1 2/8/07; 14500 §1 5/25/07; 14468 §1 2/8/07)

532.04 Exceptions

These provisions of this Ordinance shall not apply to:

Vehicles of the City of Allentown, such as fire apparatus and ambulances, or vehicles engaged in the work of a public utility;

Vehicles of service companies, contractors, repairmen, delivery trucks or others actually engaged in working operations in the vicinity during the actual period of such between the hours of 7:00 AM and 8:00 PM.

~~Recreation vehicles or truck campers wherein the owner is actively engaged in the loading or unloading of the vehicle, provided that such vehicle doesn't constitute any traffic hazard (14421 §1 9/15/2006)~~

532.05 Permit for Loading or Unloading Recreational Vehicles or Truck Campers

~~Permits shall be issued by the Allentown Parking Authority to the owners of Recreation vehicles or truck campers for a 24 hour permit to unload or load said vehicle wherein the owner is actively engaged in the loading or unloading of the vehicle, provided that such vehicle doesn't constitute any traffic hazard. (14421 §1 9/15/2006)~~

532.99 Penalty

For violation of Section 532, Parking of Trucks and Trailers Prohibited In Residential Areas, the owner or operator, within ten (10) days of the time when such notice was attached to his motor vehicle/conveyance, pay as a penalty in full satisfaction of each violation, the sum of Fifty (\$50) Dollars and after ten (10) days, but within twenty (20) days of violation, the sum of One Hundred (\$100) Dollars. In addition to the fine, the Police Department may have the vehicle or trailer immediately towed if the vehicle is posing an immediate safety hazard. (14421 §1 9/15/2006)

SECTION TWO: That all Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

SECTION THREE: That this Ordinance will take effect ten (10) days after final passage.

Amendment to allow a 24 hour permit passed 6-0.

| | Yea | Nay |
|-------------------------------|-----|-----|
| Michael Donovan | X | |
| Jeanette Eichenwald | X | |
| Julio A. Guridy | X | |
| David M. Howells, Sr. | X | |
| Tony Phillips | | |
| Peter G. Schweyer | X | |
| Michael D'Amore, President | X | |
| TOTAL | 6 | 0 |

I hereby certify that the foregoing Ordinance was passed by City Council and signed by His Honor the Mayor on the 14th day of October, 2009.

CITY CLERK